IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2054 OF 2005

Jayant Atmaram Marathe ... Petitioner

V/s.

Shri Raj Mayur Dhwaji Singhji Saheb & 2 Ors. ... Respondents

Mr.D.M. Gupte for Petitioner
Mr.M.S. Khadilkar for Respondent No.3

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 22, 2005**

P.C.:

. By this Petition, the Petitioner who was the plaintiff before the trial Court, challenged the order dated 1.3.2005 directing the Plaintiff to implead Respondent No.3 in the array of the defendants. According to the Petitioner, Respondent No.3 is not a necessary or a proper party in his suit for declaration that he is the tenant of the suit premises. It is contended that assuming the suit premises have been purchased by Respondent No.3, he should have filed a separate suit for agitating any claim that he may have against the Petitioner.

2. The trial Court has considered these submissions made before it and has concluded, and in my view

rightly, that for the proper determination and final adjudication of the suit, it would be necessary to add Respondent No.3 as a party defendant. There is a sale deed which indicates that Respondent No.3 has bought over the suit premises from Respondent No.1 on 27.10.2004.

3. In such circumstances, I am of view that there is no interference called for. Petition rejected.